

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>In re:</b>	:	
	:	<b>Case No.: 23-12806</b>
<b>Lukasz Jaroslaw Wejman</b>	:	<b>Chapter 7</b>
	:	<b>Judge Ashely M. Chan</b>
<b>Debtor(s)</b>	:	<b>*****</b>
	:	
<b>The Huntington National Bank</b>	:	<b>Date and Time of Hearing</b>
	:	<b>Place of Hearing</b>
<b>vs</b>	:	<b>December 13, 2023 at 12:30 p.m.</b>
	:	
<b>Lukasz Jaroslaw Wejman</b>	:	<b>U.S. Bankruptcy Court</b>
<b>Christine C. Shubert</b>	:	<b>900 Market Street, Suite 400, Courtroom #4</b>
<b>Respondents.</b>	:	<b>Philadelphia, PA, 19107</b>
	:	

**MOTION OF THE HUNTINGTON NATIONAL BANK FOR RELIEF FROM THE  
AUTOMATIC STAY REGARDING THE PERSONAL PROPERTY KNOWN AS 2016  
VOLVO XC90, VIN YV4A22PK8G1077511**

The Huntington National Bank (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On June 9, 2021, Lukasz Jaroslaw Wejman (the "Debtor") obtained a loan from The Huntington National Bank, or its predecessor-in-interest, in the amount of \$37,596.59 for the purchase of a 2016 Volvo XC90, VIN YV4A22PK8G1077511 ("Collateral"). Debtor agreed to make periodic payments to The Huntington National Bank, or its predecessor-in-interest. Such loan was evidenced by a Personal Loan Agreement - Fixed Rate (the "Contract"), a copy of which is attached hereto as Exhibit A.
6. To secure payment of the Contract, Debtor delivered the Title to the Collateral to Creditor or Creditor's predecessor-in-interest. On or about June 24, 2021, Creditor or Creditor's predecessor-in-interest perfected its security interest in the Collateral by delivering the Title along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the Lien and Title Information (the "Title") is attached hereto as Exhibit B.
7. Creditor believes the value of the Collateral is \$14,650.00 based upon the J.D. POWER guide, a copy of which is attached hereto as Exhibit C.
8. On September 18, 2023, Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code ("Petition").
9. As of November 1, 2023, Debtor is in default in performance of the terms and conditions of the Contract and is contractually due for the August 24, 2023 through October 24, 2023 payments in the monthly amount of \$599.18 with a total delinquency of \$1,797.54.

10. As of November 1, 2023, there is currently due and owing on the Contract the outstanding principal balance of \$26,723.16, plus interest accruing thereon at the rate of 5.74% per annum. This amount is broken down as follows:

Total Loan Balance	
Description	Amount
Principal	\$26,723.16
Interest	\$319.39
Late charges	\$0.00
Other Charges	\$35.00
Less Contractual Suspense Funds	\$(0.00)
Total: \$27,077.55	

11. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
12. Creditor is entitled to relief from the automatic stay for the following reason(s):
- Debtor filed a Statement of Intention that indicates that Debtor intends to surrender the Collateral.
  - Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.

WHEREFORE, The Huntington National Bank respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of The Huntington National Bank in the Collateral, and granting such other relief as this Honorable Court may deem just. Creditor further requests that Rule 4001(a)(3) be waived so that an Order Granting Relief from the Automatic Stay will take immediate effect.

Respectfully submitted,

/s/Alyk L. Oflazian

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<b>Respondents.</b>	:	<b>Philadelphia, PA, 19107</b>
	:	

**CERTIFICATE OF SERVICE**

I certify that on the date of filing, a copy of the foregoing Motion of The Huntington National Bank for Relief from the Automatic Stay regarding the Personal Property known as 2016 Volvo XC90, VIN YV4A22PK8G1077511 was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

CHRISTINE C. SHUBERT, Chapter 7 Trustee, christine.shubert@comcast.net

MICHAEL A. CIBIK, Attorney for Lukasz Jaroslaw Wejman, mail@cibiklaw.com

I certify that on the date of filing, a copy of the foregoing document was sent by U.S. Mail to the following:

Lukasz Jaroslaw Wejman, 3121 Tilton Street, Philadelphia, PA 19134-5816

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/s/Alyk L. Oflazian